

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Liliana Manuel	Team: Squad #7	CCRB Case #: 201609533	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/08/2016 6:15 AM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 5/8/2018	EO SOL 5/8/2018	
Date/Time CV Reported Wed, 11/09/2016 9:06 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 11/16/2016 12:51 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Kamna	24865	943423	073 PCT
2. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SDS David Cheesewright	01990	913752	INT CIS
2. CPT Josef Nolte	00000	893458	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A.POM Andrew Kamna	Abuse: Police Officer Andrew Kamna entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

On November 9, 2016, § 87(2)(b) filed the following complaint with IAB on behalf of herself and her daughter's father, § 87(2)(b) (Board Review 01; 02; 03). The complaint generated original log number 16-39621, and was received at the CCRB on November 16, 2016.

On November 8, 2016, at approximately 6:15 a.m., PO Andrew Kamna of the 73rd Precinct, along with other officers, executed a search warrant at § 87(2)(b)'s apartment, located at § 87(2)(b) § 87(2)(b) in Brooklyn (**Allegation A**). § 87(2)(b) and their § 87(2)(b)-old daughter, § 87(2)(b) were home at the time. During the search warrant execution, an officer allegedly told § 87(2)(b) "Don't move or we'll shoot you," (**Allegation B**). None of the individuals in the home were arrested as a result of this incident.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- A Notice of Claim inquiry was requested on December 12, 2016 (Board Review 06). The results are pending and will be added to the case file upon receipt.
- § 87(2)(c), § 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b) (Board Review 04; 05).
- PO Kamna has been a member of the service for nine years. He has had four prior CCRB cases involving nine allegations, one of which was substantiated. In case 201100274, a stop allegation was substantiated against him, and he received instructions in regards, § 87(2)(g)

§ 87(2)(b)

Potential Issues

- § 87(2)(b) provided a phone statement to the CCRB on November 22, 2016, and scheduled a CCRB interview to take place on November 30, 2016 (Board Review 12). § 87(2)(b) did not appear to his appointment. A second interview was scheduled to take place on December 7, 2016, but § 87(2)(b) did not appear to the interview. Contact was established with § 87(2)(b) on December 9, 2016, at which time he stated that he did not wish to be involved in the investigation. The CCRB therefore did not obtain a sworn statement from § 87(2)(b)
- Due to the nature of the allegations and the ability to reach a recommended disposition for each allegation on § 87(2)(b)'s statements alone, police officer statements were not obtained for this investigation.

Findings and Recommendations

Explanation of Subject Officer Identification

During the search warrant execution, an officer provided § 87(2)(b) with the supporting deposition, which confirmed that PO Kamna requested the search warrant (Board Review 14). Therefore, **Allegation A** has been pleaded against him.

§ 87(2)(b) provided an unsworn phone statement to the CCRB on November 22, 2016, and a sworn statement on November 30, 2016 (Board Review 11; 13). § 87(2)(b) and § 87(2)(b) were unable to provide detailed descriptions of the officer who allegedly threatened § 87(2)(b) with the use of force, as their apartment was dark and the officers' flashlights obstructed their vision. Though § 87(2)(b) provided an approximate height for the officer, neither she nor § 87(2)(b) could provide any descriptors that differentiated

him from the other officers present. Given that the identity of the officer did not impact the recommended disposition, **Allegation B** has therefore been pleaded against “an officer.”

Allegations Not Pleaded

- **Abuse of Authority:** § 87(2)(b) and § 87(2)(b) alleged that officers damaged § 87(2)(b) front door during the execution of the warrant. § 87(2)(b) also alleged that officers pointed their firearms at her and § 87(2)(b). Given that drawn firearms and breached doors are an inevitable necessity during search warrant executions, these allegations have been subsumed within the entry and have not been pleaded separately.

Allegation A: Abuse of Authority – Police Officer Andrew Kamna entered and searched § 87(2)(b) in Brooklyn.

It is undisputed that PO Kamna and other officers entered § 87(2)(b) § 87(2)(b) in Brooklyn, and conducted a search of the premises.

§ 87(2)(b) alleged that officers searched drawers and closets, among other places, in each room of the apartment, and § 87(2)(b) alleged that the officers searched the entire apartment.

The entry and search was pursuant to no-knock search warrant § 87(2)(b) which was issued by the Honorable § 87(2)(b) (Board Review 14). The warrant allowed officers to search for firearms, ammunition, and a male named § 87(2)(b).

Officers are permitted to forcefully enter a premise and conduct a full and thorough search for a person or contraband outlined in the search warrant. N.Y.S. Criminal Procedure Law, Section 690.50 (Board Review 09).

§ 87(2)(g)

Allegation B: Abuse of Authority - An officer threatened § 87(2)(b) with the use of force.

§ 87(2)(b) and § 87(2)(b) alleged that they were woken up by a bang at their door, at which point they observed officers in the apartment. As soon as § 87(2)(b) and § 87(2)(b) got out of their bed, an unidentified officer ran toward § 87(2)(b) and told him something to the effect of, “Don’t move or we’ll shoot you.” § 87(2)(b) was then handcuffed. He did not resist or offer any incoherence at any point. § 87(2)(b) did not provide a sworn statement to the CCRB.

The copy of the search warrant provided by § 87(2)(b) states that there was probable cause to believe there was a firearm and ammunition in the apartment (Board Review 14).

During the execution of a search warrant, an officer may use as much physical force as is needed to execute the warrant, and may use deadly physical force if he reasonably believes such force is needed to defend himself or a third party from the use of deadly physical force. N.Y.S. Criminal Procedure Law, Section 690.50 (Board Review 09). When appropriate and consistent with personal safety, officers will use de-escalation techniques to gain voluntary compliance of the subject and reduce or eliminate the necessity to use force. NYPD Patrol Guide, Procedure 221-01 (Board Review 10).

§ 87(2)(g)

Squad: ____

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date